with the order, but both governments continued to issue them at a favorable exchange rate and to increase minting. In 1743, the central government ordered all provincial governments to adopt an official exchange rate: 1 kuping tael silver: 1,000 copper coins. As a result, Jiangsu and Zhejiang lost their profits and stopped increasing their minting, although their high value was felt in Jiangnan for more than 30 years thereafter.

The Germination of the Concept of Public Interest or Public Good in Mu'tazili Legal Theory: The Ideas of Abu al-Hasan al-Basri

by Iyama Akari

Maşlaḥa, which is translated as public interest or common good, has been one of the major topics in the study of Islamic legal theory since the beginning of the 20th century, and today, is attracting the attention of scholars interested in “publicness,” or the nature of a community of people as a whole. However, the original meaning of maşlaḥa is merely “interest” or “good,” and how it developed into the term for “public interest” or “public good” has not been clearly investigated. The present article discusses the legal theory of Abu al-Hasan al-Basri (d. 1044), a Mu'tazili theologian and attempts to show that in his ideas we can see the germination of the usage of maşlaḥa in the sense of public interest or public good in the Islamic world.

In al-Basri's ideas, maşlaḥa is principally used merely in its original sense of “interest,” but he divides the meaning into two types: one that receives praise from God as one of His followers, the other that does not involve praise nor blame from God. The former is almost synonymous with the legal rules derived from revealed sources of law, such as Qur'an, Sunna, Ijmā' and Qiyās, and regarding them, he argues vehemently against the use of maşlaḥa as ratio legis, for this maşlaḥa is what we can gain through speculation and is not determined by human reason. This maşlaḥa can be interpreted as shari'a, which God revealed to men as their public interest or common good.

The latter meaning is used interchangeably with other Arabic words, such as naf' and manfa'a, which also mean “interest” principally. He says that we are able to understand this maşlaḥa through reason and can use it as the basis for judging something or some action to be good and permissible. The significance of his ideas about maşlaḥa lies in these two separate usages; and the author concludes from this that this double meaning paved the way for maşlaḥa to play a prominent role in legal theory, by providing later scholars with a hint to use maşlaḥa as the basis of their own legal speculations.